

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CARMEN FLORES,

Plaintiff,

v.

DIAMOND BANK,

Defendant.

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)
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Case No. 07 C 6403

Judge Hibbler

Magistrate Judge Valdez

RE-RE-RE-NOTICE OF DEPOSITION

To: See Certificate of Service

PLEASE TAKE NOTICE that we shall take the *stenographic* deposition of Kimberly Cole on June 3, 2008 at 10:00 a.m.

The deposition shall proceed at *The Consumer Advocacy Center, 180 W. Washington, Suite 700, Chicago, IL 60602.*

IF THE DEPONENT OR DEPONENT'S COUNSEL ARE NOT AVAILABLE ON THE ABOVE DATE, PLEASE CALL US AND GIVE US AN ALTERNATIVE DEPOSITION DATE BEFORE (NOT AFTER) THE DATE LISTED ABOVE. IF YOU FAIL TO CALL US AT LEAST 72 HOURS BEFORE THE ABOVE DATE, WE WILL ASSUME THAT BOTH DEPONENT AND DEPONENT'S COUNSEL ARE AVAILABLE AND WILL ORDER A COURT REPORTER. WE WILL NOT RE-SCHEDULE DEPOSITIONS WITH LESS THAN 72-HOUR NOTICE, AND MAY APPLY TO THE COURT FOR REIMBURSEMENT OF COURT REPORTER'S CHARGES AND ATTORNEY FEES EXPENDED.

Produce at the Time of Deposition

Please see attached Document Production Rider.

By Stacy M. Bardo
One of Plaintiff's Attorneys

Lance A. Raphael
Stacy M. Bardo
Allison A. Krumhorn
The Consumer Advocacy Center, P.C.
180 W. Washington, Suite 700
Chicago, IL 60602

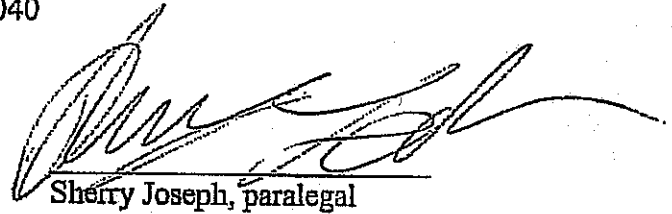
$\Delta \pi$ EXHIBIT <u>A</u>	
Deponent	<u>Cole</u>
Date	<u>6-18-08</u> Rptr. <u>JM</u>
WWW.DEPOBOOK.COM	

Cole Dep DPR000001

CERTIFICATE OF SERVICE

I, Sherry Joseph, paralegal, hereby certify under penalties of perjury according to 28 U.S.C. § 1746 that I served the attached *Re-Re-Notice of Deposition of Kimberly Cole*, by faxing a copy and placing the same in the U.S. Mail, with proper postage prepaid, on May 13, 2008, to the following counsel of record:

Mark D. Belongia
Nathaniel R. Sinn
Belongia & Shapiro, LLP
53 W. Jackson Blvd., Ste. 315
Chicago, IL 60604
Fax: (312) 662-1040



Sherry Joseph, paralegal

DOCUMENT PRODUCTION RIDER TO KIMBERLY COLE

Unless otherwise indicated, the time period covered by these requests is January 1, 2005 to the time of deposition.

The deponent is instructed to bring with him to the deposition, each and every time he is produced:

1. All documents relating to the purchase and/or installation of fee notice and availability of deposits signage for automated teller machine no. 049E4 ("the ATM").
2. All documents, memos, notes, e-mails, or correspondence relating to any third-party company or person and service and/or maintenance of the ATM.
3. All documents, contracts, memos, notes, e-mails, correspondence and service records relating to Alligas Enterprises, Inc. and the ATM.
4. All maintenance and service records for the ATM.
5. All correspondence, e-mails and documents between any Diamond Bank employee, agent or officer and any other Diamond Bank employee, agent or officer relating to signage for the ATM.
6. All documents relating to customer and/or employee complaints regarding any Diamond Bank automated teller machines during the period of November 12, 2006 to November 12, 2007.
7. All documents relating to Diamond Bank guidelines to ensure automated teller machine compliance with the Electronic Funds Transfer Act, 15 U.S.C. § 1693, *et seq.* ("EFTA").
8. All documents, correspondence and e-mails to or from any Diamond Bank employee, agent or officer regarding the EFTA or any of its requirement regarding automated teller machines.
9. All documents identifying the Diamond Bank employee(s), agent(s) and/or officer(s) responsible for ensuring compliance with the EFTA's requirements regarding automated teller machines.
10. A list of all Diamond Bank employees and officers that worked at Diamond Bank's 100 W. North Ave. location between November 12, 2006 and November 12, 2007.
11. A list of all Diamond Bank employees and officers who used the ATM between November 12, 2006 and November 12, 2007.

12. All photographs, videos, surveillance tapes and digital media of the ATM.
13. All police reports, memos, documents, e-mails, and correspondences regarding any alleged acts of vandalism at Diamond Bank's 100 W. North Ave. location between January 1, 2005 and the present.
14. All documents relating to orders for signage for the ATM.
15. All employment or independent contractor records for Diamond Bank security personnel assigned to Diamond Bank's 100 W. North Ave. location between November 12, 2006 and November 12, 2007.
16. All statements or affidavits (and drafts thereof) relating to this lawsuit and/or the ATM.

Respectfully submitted,

By Stacy M. Bardo
One of Plaintiff's Attorneys

Lance A. Raphael
Stacy M. Bardo
Allison A. Krumhorn
The Consumer Advocacy Center, P.C.
180 West Washington, Suite 700
Chicago, IL 60602
(312) 782-5808

Carmen Flores v. Diamond Bank, FSB
Case No. 07 CV
Document Production Rider Response

- ~~1)~~ **Response:** Please see emails from bank employee Brett Sand.
- ~~2)~~ **Response:** The bank services the subject ATM itself. Please see processing contracts from third parties Pendum and Fifth Third.
- ~~3)~~ **Response:** None.
- ~~4)~~ **Response:** Please see contracts and invoices.
- ~~5)~~ **Response:** Please see e-mails by and between bank employees from James Hubbard, Kimberly Cole and Brett Sand.
- ~~6)~~ **Response:** None
- ~~7)~~ **Request:** Please see bank's EFTA agreement and disclosure, compliance policy and annual mailing.
- ~~8)~~ **Response:** Please see e-mails by and between James Hubbard and Kimberly Cole.
- ~~9)~~ **Response:** None
- ~~10)~~ **Response:** Please see list of all bank employees and officers that worked for the bank from November 12, 2006 to November 12, 2007.
- 11) **Response:** Objection as Rule 34 does not require the preparation of such list but only requires the production of responsive documents. Such documents were already produced by Defendant.
- ~~12)~~ **Response:** None other than pictures already produced by Defendant.
- ~~13)~~ **Response:** Please see all available reports.
- ~~14)~~ **Response:** Please see emails from bank employee Brett Sand.
- ~~15)~~ **Response:** Please see contracts with A&R Security.
- ~~16)~~ **Request:** None.

Proposed
Rep by
w/ the ?
of employees
2-3 ?

DIAMOND BANK, FSB

By: /s/ Mark D. Belongia
One of its attorneys

Mark D. Belongia, Atty # 6269391
mbelongia@belongiashapiro.com
Nathaniel R. Sinn, Atty # 6284004
nsinn@belongiashapiro.com
Belongia & Shapiro, LLP
53 W. Jackson Blvd., Suite 315
Chicago, Illinois 60604
P: 312.662.1030
F: 312.662.1040

DPR

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&

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From: Brett Sand
Sent: Wednesday, February 20, 2008 2:26 PM
To: Kimberly Cole; Akiba Barberousse; Andrea Shibe
Subject: RE: Transition Items
Akiba and Andrea,

I will be setting both of you up on Fifth Third Direct as Administrators the next time you are in the office. (The last five digits of your social are needed on the form). Log-in information has typically been available within one week from the time I send in the form.

I will be sending the training webinar/power-point to everyone's attention shortly. It is very informative, but as Kim said, I will be happy to assist if you need additional training.

Thanks,
Brett

Brett D. Sand
Special Projects Coordinator
Diamond Bank, FSB
100 W. North Avenue
Chicago, IL 60610
312.649.5006 tel
312.664.4289 fax
bsand@dbdiamond.com

x

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From: Kimberly Cole
Sent: Wednesday, February 20, 2008 1:54 PM
To: Akiba Barberousse; Andrea Shibe
Cc: Brett Sand
Subject: Transition Items

Akiba/Andrea,

Brett will be transitioning his admin responsibilities for 5/3rd processing to the three of us. There is a webinar that he recommended we attend and he will also be available to help train us as necessary.

Additionally, I will be dividing the BCP Coordinator responsibilities between the two of you. Our meeting with Recovery Solutions on 2/27/08 is a starting point for that transition.

While these tasks are not intensive daily tasks they will require that we plan and complete updates on a regular basis. All of which I think is manageable, but definitely requiring forethought.

Thanks,
Kimberly Cole
Senior Vice President & Chief Operating Officer
Diamond Bank, FSB
100 W. North Avenue (at Clark)

Chicago, IL 60610
312.649.5021 (Work)
312.371.4056 (Mobile)
312.664.4289 (Fax)
kcole@dbdiamond.com
www.dbdiamond.com

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From: Brett Sand
Sent: Friday, January 11, 2008 10:02 AM
To: Kimberly Cole
Subject: RE: Pendum Inc. Invoice
Hi Kim,

Yes, this is what we should expect from Pendum on a monthly basis.

Brett D. Sand
Special Projects Coordinator
Diamond Bank, FSB
100 W. North Avenue
Chicago, IL 60610
312.649.5006 tel
312.523.5163 cell
312.664.4289 fax
bsand@dbdiamond.com



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From: Kimberly Cole
Sent: Thursday, January 10, 2008 10:17 PM
To: Brett Sand
Subject: RE: Pendum Inc. Invoice

Hi Brett,

Is this consistent with what we usually see as charges?

Thanks,
Kimberly Cole
Senior Vice President & Chief Operating Officer
Diamond Bank, FSB
100 W. North Avenue (at Clark)
Chicago, IL 60610
312.649.5021 (Work)
312.371.4056 (Mobile)
312.664.4289 (Fax)
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From: Brett Sand

Sent: Thursday, January 10, 2008 4:37 PM
To: Kimberly Cole
Subject: FW: Pendum Inc. Invoice

For your approval.

Thanks

Brett D. Sand
Special Projects Coordinator
Diamond Bank, FSB
100 W. North Avenue
Chicago, IL 60610
312.649.5006 tel
312.523.5163 cell
312.664.4289 fax
bsand@dbdiamond.com



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From: Constance Hemmerich [<mailto:Constance.Hemmerich@pendum.com>]
Sent: Thursday, January 10, 2008 12:41 PM
To: Brett Sand
Subject: Pendum Inc. Invoice

To Whom It May Concern:

This is the monthly service bill for January, 2008. The invoice IVC0113184, customer ID: 03066-00, was posted in the amount of \$3,495.43 dollars and is attached.

Thank you for your business.

Sincerely,

Constance Hemmerich
Billing Representative
Pendum, Inc.
T - (303) 614-0519
F - (303) 614-4781
www.pendum.com

From: Brett Sand
Sent: Wednesday, February 27, 2008 10:46 AM
To: Dana Collier
Cc: Diana Farlinger; Simone Y. Gatlin; Kimberly Cole
Subject: RE: mps
Dana,

Diana and Simone will be the leads for all ATM work, including Fifth Third Direct. Kim, Andrea and Akiba will be setup for administrative access when it is required.

Diana or Simone,

Please contact Fifth Third to ask them how you can setup this access for Dana. If you have any problems, please let me know and I will assist.

Thank you

Brett D. Sand
Special Projects Coordinator
Diamond Bank, FSB
100 W. North Avenue
Chicago, IL 60610
312.649.5006 tel
312.664.4289 fax
bsand@dbdiamond.com



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From: Dana Collier
Sent: Wednesday, February 27, 2008 10:38 AM
To: Brett Sand
Subject: mps

Brett, could you have it set up so that I can see the bills that come thru Fifth Third

User name is NRTH0015

Dana Collier
Disbursement Manager
Diamond Bank, FSB
100 W North Ave
Chicago, IL 60610
Tel: 312 649-5022
Fax: 312 649-5026
dcollier@dbdiamond.com

From: Brett Sand
Sent: Wednesday, February 27, 2008 11:05 AM
To: Kimberly Cole
Subject: RE: mps
 Yes and No.

What I would do is contact our rep at Fifth Third to find out how exactly this process would work. I believe it is simply a matter of updating the profile in the User-ID sheet, but I have been having problems accessing those sheets online. I can easily place the call to Fifth Third and ask them about updating the profile per Dana's request, but Diana/Simone could easily do the same and I felt it would be a good idea for them to get experience dealing with Fifth Third.

If for some reason they are unable to do this, I will take care of it.

Brett D. Sand
 Special Projects Coordinator
 Diamond Bank, FSB
 100 W. North Avenue
 Chicago, IL 60610
 312.649.5006 tel
 312.664.4289 fax
bsand@dbdiamond.com



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From: Kimberly Cole
Sent: Wednesday, February 27, 2008 10:58 AM
To: Brett Sand
Subject: RE: mps

Hi Brett,

Is this something you know how to do?

Thanks,
 Kimberly Cole
 Senior Vice President & Chief Operating Officer
 Diamond Bank, FSB
 100 W. North Avenue (at Clark)
 Chicago, IL 60610
 312.649.5021 (Work)
 312.371.4056 (Mobile)
 312.664.4289 (Fax)
kcole@dbdiamond.com
www.dbdiamond.com

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Sent: Wednesday, February 27, 2008 10:46 AM
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Cc: Diana Farlinger; Simone Y. Gatlin; Kimberly Cole
Subject: RE: mps

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Diana or Simone,

Please contact Fifth Third to ask them how you can setup this access for Dana. If you have any problems, please let me know and I will assist.

Thank you

Brett D. Sand
Special Projects Coordinator
Diamond Bank, FSB
100 W. North Avenue
Chicago, IL 60610
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bsand@dbdiamond.com

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From: Dana Collier
Sent: Wednesday, February 27, 2008 10:38 AM
To: Brett Sand
Subject: mps

Brett, could you have it set up so that I can see the bills that come thru Fifth Third

User name is NRTH0015

Dana Collier
Disbursement Manager
Diamond Bank, FSB
100 W North Ave
Chicago, IL 60610
Tel: 312 649-5022
Fax: 312 649-5026
dcollier@dbdiamond.com

From: Brett Sand
Sent: Monday, February 04, 2008 9:22 AM
To: Jason Hendricksen; Shirley Davis
Cc: Kimberly Cole
Subject: RE: Meeting

Yes, these are the settlements reports that we receive before and after each cash load.

Thanks

Brett D. Sand
Special Projects Coordinator
Diamond Bank, FSB
100 W. North Avenue
Chicago, IL 60610
312.649.5006 tel
312.523.5163 cell
312.664.4289 fax
bsand@dbdiamond.com



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From: Jason Hendricksen [<mailto:Jason.Hendricksen@pendum.com>]
Sent: Saturday, February 02, 2008 5:26 PM
To: Brett Sand; Shirley Davis
Cc: Kimberly Cole
Subject: RE: Meeting

Brett,

Just for clarification, are you referencing the settlement reports we send by e-mail? Please confirm and we can get this updated. Thanks!

Jason

Jason Hendricksen
Pendum, Inc.
(630) 654-6236

www.pendum.com

From: Brett Sand [<mailto:bsand@dbdiamond.com>]
Sent: Friday, February 01, 2008 5:54 PM
To: Jason Hendricksen; Shirley Davis
Cc: Kimberly Cole
Subject: RE: Meeting

Also, can you please change the contact information for the ATM status reports from me to Kim?

Thank you

Brett D. Sand
Special Projects Coordinator
Diamond Bank, FSB
100 W. North Avenue
Chicago, IL 60610
312.649.5006 tel
312.523.5163 cell
312.664.4289 fax
bsand@dbdiamond.com

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From: Brett Sand
Sent: Friday, February 01, 2008 5:53 PM
To: 'Jason Hendricksen'; 'Shirley Davis'
Cc: Kimberly Cole
Subject: Meeting

Jason and Shirley,

During your visit this month our C.O.O., Kimberly Cole, was unavailable to join our meeting. I would like to see if the two of you are able to schedule another meeting for sometime in February where you can meet with Kim as well as some other employees of the bank who may be taking a more hands-on approach to the bank's ATM Operations.

Please contact Kimberly Cole with information about when you may be able to meet with her. I will be transitioning to a new role in the bank, but will still be available for ATM support when needed.

If you have any questions, please let me know or you may contact Ms. Cole directly.

Thank you very much for all of your assistance during these past two years!
Brett

Brett D. Sand
Special Projects Coordinator
Diamond Bank, FSB
100 W. North Avenue
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312.649.5006 tel
312.523.5163 cell
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From: Brett Sand
Sent: Friday, February 01, 2008 5:54 PM
To: Jason Hendricksen; Shirley Davis
Cc: Kimberly Cole
Subject: RE: Meeting

Also, can you please change the contact information for the ATM status reports from me to Kim?

Thank you

Brett D. Sand
Special Projects Coordinator
Diamond Bank, FSB
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From: Brett Sand
Sent: Friday, February 01, 2008 5:53 PM
To: 'Jason Hendricksen'; 'Shirley Davis'
Cc: Kimberly Cole
Subject: Meeting

Jason and Shirley,

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Please contact Kimberly Cole with information about when you may be able to meet with her. I will be transitioning to a new role in the bank, but will still be available for ATM support when needed.

If you have any questions, please let me know or you may contact Ms. Cole directly.

Thank you very much for all of your assistance during these past two years!
Brett

Brett D. Sand
Special Projects Coordinator
Diamond Bank, FSB
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312.664.4289 fax

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From: Brett Sand
Sent: Friday, January 04, 2008 2:35 PM
To: Kimberly Cole
Subject: RE: ATM Vendor Meeting

The issues were minor, such as the fact that our client representative changed three times during the year and I had to locate the rep instead of them reaching out to introduce themselves. The other issue was the fact that each invoice we received this year had a different company listed on the invoice. (Pendum was formed from four other companies and we received invoices from all four throughout the year).

None of these issues were very major, thus I didn't pass them along.

Brett D. Sand
Special Projects Coordinator
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From: Kimberly Cole
Sent: Friday, January 04, 2008 2:32 PM
To: Brett Sand
Subject: RE: ATM Vendor Meeting

Ok, go ahead with the meeting (confirm date and time). But this is the first I'm hearing of issues outside of when we were trying to get them to do the ATM stickers.

Thanks,

Kimberly Cole
Senior Vice President & Chief Operating Officer
Diamond Bank, FSB
100 W. North Avenue (at Clark)
Chicago, IL 60610
312.649.5021 (Work)
312.371.4056 (Mobile)
312.664.4289 (Fax)
kcole@dbdiamond.com
www.dbdiamond.com

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From: Brett Sand
Sent: Friday, January 04, 2008 2:15 PM
To: Kimberly Cole
Subject: RE: ATM Vendor Meeting

We are hoping to meet with them because we had a lot of service issues with them over the past year and we wanted to meet with them to discuss. There were billing and customer service issues and we have yet to meet our rep personally.

Brett D. Sand
Special Projects Coordinator
Diamond Bank, FSB
100 W. North Avenue
Chicago, IL 60610
312.649.5006 tel
312.523.5163 cell
312.664.4289 fax
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From: Kimberly Cole
Sent: Friday, January 04, 2008 1:50 PM
To: Brett Sand
Subject: RE: ATM Vendor Meeting

Hi Brett,

What's the purpose of the meeting? I may want to invite Diana or Simone...we talked about transitioning ATM operations to Deposit Operations soon.

I can meet the morning of the 15th but before the meeting is scheduled, please give me an update.

Let me know.

Thanks,
Kimberly Cole
Senior Vice President & Chief Operating Officer
Diamond Bank, FSB
100 W. North Avenue (at Clark)
Chicago, IL 60610
312.649.5021 (Work)
312.371.4056 (Mobile)
312.664.4289 (Fax)
kcole@dbdiamond.com
www.dbdiamond.com

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From: Brett Sand
Sent: Friday, January 04, 2008 1:15 PM
To: Kimberly Cole
Subject: ATM Vendor Meeting

Kim,

Dean and I are hoping to meet with our representative team from Pendum in a few weeks and I would like to see if you are available to meet with them as well. Dean and I were hoping to setup something for the morning of the 15th.

Please let me know if you are able to attend and if this time is accommodating.

Thanks,
Brett D. Sand
Special Projects Coordinator
Diamond Bank, FSB
100 W. North Avenue
Chicago, IL 60610
312.649.5006 tel
312.523.5163 cell
312.664.4289 fax
bsand@dbdiamond.com



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From: Brett Sand
Sent: Friday, January 04, 2008 2:15 PM
To: Kimberly Cole
Subject: RE: ATM Vendor Meeting

We are hoping to meet with them because we had a lot of service issues with them over the past year and we wanted to meet with them to discuss. There were billing and customer service issues and we have yet to meet our rep personally.

Brett D. Sand
Special Projects Coordinator
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From: Kimberly Cole
Sent: Friday, January 04, 2008 1:50 PM
To: Brett Sand
Subject: RE: ATM Vendor Meeting

Hi Brett,

What's the purpose of the meeting? I may want to invite Diana or Simone...we talked about transitioning ATM operations to Deposit Operations soon.

I can meet the morning of the 15th but before the meeting is scheduled, please give me an update.

Let me know.

Thanks,
Kimberly Cole
Senior Vice President & Chief Operating Officer
Diamond Bank, FSB
100 W. North Avenue (at Clark)
Chicago, IL 60610
312.649.5021 (Work)
312.371.4056 (Mobile)
312.664.4289 (Fax)
kcole@dbdiamond.com
www.dbdiamond.com

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Please let me know if you are able to attend and if this time is accommodating.

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From: Brett Sand
Sent: Wednesday, November 28, 2007 11:06 AM
To: Kimberly Cole
Subject: RE: ATM Numbers
I should have the numbers to you in plenty of time.

I am only missing three months

Brett D. Sand
Special Projects Coordinator
Diamond Bank, FSB
100 W. North Avenue
Chicago, IL 60610
312.649.5006 tel
312.523.5163 cell
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From: Kimberly Cole
Sent: Wednesday, November 28, 2007 11:04 AM
To: Brett Sand
Subject: RE: ATM Numbers

Jim and I have a meeting at 3p.m. today with attorneys. I need to look at the numbers before 2p.m. which is when I'll be leaving Skokie to come back downtown.

Thanks,
Kimberly Cole
Senior Vice President & Chief Operating Officer
Diamond Bank, FSB
100 W. North Avenue (at Clark)
Chicago, IL 60610
312.649.5021 (Work)
312.371.4056 (Mobile)
312.664.4289 (Fax)
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From: Brett Sand
Sent: Wednesday, November 28, 2007 10:56 AM
To: Kimberly Cole

Subject: RE: ATM Numbers

Almost....I cannot locate a few of my reports and will be checking with Linda.

I'll have something soon.

Brett D. Sand
Special Projects Coordinator
Diamond Bank, FSB
100 W. North Avenue
Chicago, IL 60610
312.649.5006 tel
312.523.5163 cell
312.664.4289 fax
bsand@dbdiamond.com

x

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From: Kimberly Cole
Sent: Wednesday, November 28, 2007 10:54 AM
To: Brett Sand
Subject: ATM Numbers

Brett,

Do you have the numbers together yet?

Thanks,
Kimberly Cole
Senior Vice President & Chief Operating Officer
Diamond Bank, FSB
100 W. North Avenue (at Clark)
Chicago, IL 60610
312.649.5021 (Work)
312.371.4056 (Mobile)
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From: Brett Sand
Sent: Tuesday, January 15, 2008 12:18 PM
To: Dean Jukovich; Kimberly Cole
Subject: Pendum Meeting_1.15.08.doc

Attachments: Pendum Meeting_1.15.08.doc
Dean and Kim,

Here is a brief overview of what was discussed in the meeting with Pendum this morning.

Dean and I expressed a wish to continue meetings on a more frequent basis. We also noted that they should meet with us again to formerly meet Kim.

Please let me know if you have any questions.

Thanks,
Brett

On Tuesday, January 15, Dean Jukovich and Brett Sand met with Jason Hendricksen and Shirley Davis of PENDUM to discuss ATM service and billing issues. Here is a list of issues that were discussed during this meeting:

▪ Service issues with ATM 588A (Salon Blonde)

- Salon Blonde has been complaining about the number of service calls that are being placed on their machine. Several calls referred to a cassette jam, which were confirmed by Jason and Shirley through a service call sheet. Jason suggested that the cassette may be jamming from a separate part of the machine and will have further testing completed on the machine. Jason noted that on December 24th a cassette issue was resolved and no further calls have been placed on this machine; however, maintenance will still visit the machine to confirm.
- Brett noted that Salon Blonde has dealt with complaints from customers who claim that a normal transaction is currently taking anywhere from 5-10 minutes to complete. Jason and Shirley confirmed that this is too long for a normal transaction and will inquire. Brett suggested that with a dial-up connection, it may appear as though the first dial-up attempt fails every time and the second number finally completes the transaction. Jason noted that this sounds exactly like what is occurring and will check with maintenance and Fifth Third Processing.
- Salon Blonde has complained about maintenance and cash technicians not being courteous and refusing to wipe their feet when coming in from bad weather. Jason mentioned that they strive to maintain the same crews for each site location and will work on quality control.

▪ Service issues with ATM 435D (Northside Café)

- Northside Café has complained about similar connection issues as Salon Blonde. Jason offered to perform a transaction at the Northside Café after the meeting to witness first-hand the transaction times. Jason said he would follow-up in the afternoon with his findings.

▪ Invoice issues

- When Dean joined the meeting we discussed the recent merger between Efmak, Premium Armored and Bantek which created the new PENDUM company. During 2007, and part of 2006, Diamond Bank received invoices from all three companies which caused obvious concern. The bank was concerned about duplicate and/or under billing that would lead to further issues down the road. Jason and Shirley apologized for the mix-ups and confirmed that all future invoicing should come from Pendum, Inc. only. Jason provided three invoices that were outstanding (Quarterly Maintenance from July 2007 and two first-line maintenance calls). Jason offered to remove the charges from one of the first-line maintenance calls, as he feels it was a Pendum error and should not have been billed.

▪ New Service Options

- Jason discussed current cash pick-up and delivery from Diamond Bank and offered new suggestions. Pendum visits the Fed every day and offer a service that will cut-out bank pick-ups, as cash may be picked up directly from the Fed at no additional charge. Dean noted that Diamond Bank does not currently have an account with the Fed, but may be interested in the future. Jason noted that Pendum also visits LaSalle daily and because the bank has an account at LaSalle, this might be an option to research.

▪ Machines

- o Discussion of new machines was brought up as Dean requested an up-to-date catalog. With future branches and/or ATM sites in the future, the bank would prefer to have a handle on current ATM options before pressed into making a purchase. Brett noted that the bank currently has two ATMs in storage with Pendum, but as Jason confirmed, these machines are out-dated and cannot be deployed. Jason discussed possible buy-back options for the bank, although it was noted that these machines could only be sold for parts.

From: Brett Sand
Sent: Friday, November 23, 2007 3:27 PM
To: Kimberly Cole
Subject: North Ave_Expenses.xls

Attachments: North Ave_Expenses.xls

NEW ATM SURROUND ADDED IN APRIL OF 2006**EXPENSES**

2006	January - December	12-month total	per month avg
EFMARK		\$ 2,901.09	\$ 241.76
Fifth Third (Expenses)		\$ 13,843.27	\$ 1,153.61
Fifth Third (Income)		\$ (14,695.26)	\$ (1,224.61)
PREMIUM ARMORED		\$ 2,785.82	\$ 232.15
Total Expenses		\$ 4,834.92	\$ 402.91

2007	January - October (YTD)	10-month total	per month avg
EFMARK/Pendum		\$ 2,663.42	\$ 266.34
Fifth Third (Expenses)		\$ 8,673.12	\$ 867.31
Fifth Third (Income)		\$ (11,154.91)	\$ (1,115.49)
Premium Armored		\$ 2,143.24	\$ 214.32
Total Expenses		\$ 2,324.87	\$ 232.49

POST SURROUND

2006	April - December	9-month total	per month avg
EFMARK		\$ 2,175.82	\$ 241.76
Fifth Third (Expenses)		\$ 10,441.00	\$ 1,160.11
Fifth Third (Income)		\$ (10,901.05)	\$ (1,211.23)
PREMIUM ARMORED		\$ 2,107.17	\$ 234.13
Total Expenses		\$ 3,822.94	\$ 424.77

PRE-SURROUND

2006	January - March	3-month total	per month avg
EFMARK		\$ 725.27	\$ 241.76
Fifth Third (Expenses)		\$ 3,402.28	\$ 1,134.09
Fifth Third (Income)		\$ (3,794.21)	\$ (1,264.74)
PREMIUM ARMORED		\$ 678.35	\$ 226.12
Total Expenses		\$ 1,011.69	\$ 337.23

Q1 (PRE-SURROUND) AND Q2-Q4 (POST SURROUND)

2006	Q1 vs. Q2-Q4	per month avg
EFMARK		\$ (0.00)
Fifth Third (Expenses)		\$ (26.02) *fifth atm added in Q2
Fifth Third (Income)		\$ 53.51
PREMIUM ARMORED		\$ (8.01) *fifth atm added in Q2

After surround was added to ATM at 100 W. North Avenue in April 2006;
All expenses increased and income decreased on a monthly average.

1643 West North Avenue

588a (Salon Blonde)

NO INCOME DATA AVAILABLE PRIOR TO MARCH 2006**INCOME**

2006	Surcharge Income	Transactions	Fees
January			
February			

100 W. Nort
ATM 49e4
NO INCOM

2006

2007

2006

2007

1030 North
564c
NO INCOM

2006

March		\$	-
April		\$	-
May		\$	-
June		\$	-
July		\$	-
August		\$	-
September	1	\$	2.00
October	13	\$	26.00
November	22	\$	44.00
December	33	\$	66.00
Yearly Total	69	\$	138.00

2007

2007 Surcharge Income**Transactions****Fees**

January	97	\$	194.00
February	102	\$	204.00
March	164	\$	328.00
April	147	\$	294.00
May	152	\$	304.00
June	133	\$	266.00
July	130	\$	260.00
August	171	\$	342.00
September	137	\$	274.00
October	182	\$	364.00
November		\$	-
December		\$	-
Yearly Total	1415	\$	2,830.00

2006

2006 Income minus Expenses

September - December \$ (1,473.64)

2007

2007 Income minus Expenses

January - October \$ 505.13

8820 Niles Center Road**2be0 (Skokie Branch)****NO INCOME DATA AVAILABLE PRIOR TO MARCH 2006****INCOME****2006 Surcharge Income****Transactions****Fees**

January			
February			
March	76	\$	152.00
April	76	\$	152.00
May	97	\$	194.00
June	88	\$	176.00
July	94	\$	188.00
August	85	\$	170.00
September	75	\$	150.00
October	2	\$	4.00
November	5	\$	10.00
December	12	\$	24.00
Yearly Total	610	\$	1,220.00

2007 Surcharge Income		Transactions	Fees
January	16	\$	32.00
February	16	\$	32.00
March	18	\$	36.00
April	18	\$	36.00
May	12	\$	24.00
June	22	\$	44.00
July	16	\$	32.00
August	20	\$	40.00
September	16	\$	32.00
October	32	\$	64.00
November		\$	-
December		\$	-
Yearly Total	186	\$	372.00
2006 Income minus Expenses			
September - December	\$	1,220.00	
2007 Income minus Expenses			
January - October	\$	372.00	

th Avenue

(Main Branch)

ME DATA AVAILABLE PRIOR TO MARCH 2006**INCOME**

Surcharge Income	Transactions	Fees
January		
February		
March	301	\$ 602.00
April	277	\$ 554.00
May	385	\$ 770.00
June	426	\$ 852.00
July	519	\$ 1,038.00
August	492	\$ 984.00
September	313	\$ 626.00
October	561	\$ 1,122.00
November	423	\$ 846.00
December	350	\$ 700.00
Yearly Total	4047	\$ 8,094.00

Surcharge Income	Transactions	Fees
January	405	\$ 810.00
February	554	\$ 1,108.00
March	429	\$ 858.00
April	419	\$ 838.00
May	410	\$ 820.00
June	500	\$ 1,000.00
July	496	\$ 992.00
August	477	\$ 954.00
September	397	\$ 794.00
October	593	\$ 1,186.00
November		\$ -
December		\$ -
Yearly Total	4680	\$ 9,360.00

Income minus Expenses

March - December \$ 3,259.08

Income minus Expenses

January - October \$ 7,035.13

Clark Street

(Gold Coast Fitness)

ME DATA AVAILABLE PRIOR TO MARCH 2006**INCOME**

Surcharge Income	Transactions	Fees
January		
February		
March	361	\$ 722.00
April	309	\$ 618.00

May	347	\$	694.00
June	275	\$	550.00
July	322	\$	644.00
August	309	\$	618.00
September	235	\$	470.00
October	277	\$	554.00
November	230	\$	460.00
December	267	\$	534.00
Yearly Total	2932	\$	5,864.00

Surcharge Income	Transactions	Fees
January	341	\$ 682.00
February	320	\$ 640.00
March	328	\$ 656.00
April	291	\$ 582.00
May	244	\$ 488.00
June	275	\$ 550.00
July	163	\$ 326.00
August	248	\$ 496.00
September	228	\$ 456.00
October	338	\$ 676.00
November		\$ -
December		\$ -
Yearly Total	2776	\$ 5,552.00

Income minus Expenses		
March - December	\$	5,864.00
Income minus Expenses		
January - October	\$	5,552.00

From: Brett Sand
Sent: Friday, January 04, 2008 1:15 PM
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From: Brett Sand
Sent: Thursday, April 17, 2008 10:39 AM
To: Dana Collier; Jagruti Patel
Cc: Diana Farlinger; Simone Y. Gatlin; Kimberly Cole
Subject: FW: 0306600 Apr 08 Flat - Annual

Attachments: 200804-Flat Annual.xls

Brett D. Sand
Credit Analyst
Diamond Bank, FSB
100 W. North Avenue
Chicago, IL 60610
312.649.5006 tel
312.664.4289 fax
bsand@dbdiamond.com



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From: Michael Harper [<mailto:Michael.Harper@pendum.com>]
Sent: Thursday, April 17, 2008 10:38 AM
To: Brett Sand
Subject: 0306600 Apr 08 Flat - Annual

Michael Harper
Pendum, Inc
Billing Rep
(303) 614-0513

F1

*** INVOICE ***

Pendum, Inc.
 (formerly EFMARK-Premium-Bantek-Wilson)
 PO Box 712142
 Cincinnati, OH 45271-2142
 Phone: (303) 614-4729 Fax: (303) 614-4780

attn: Brett Sand
 Diamond Bank
 100 W North Ave
 Chicago, IL 60610-1303

Cust ID: 0305600

Date: 4/9/2008

Inv Nbr: IVC0115654

April 2008 Monthly Service Invoice

PLEASE REFER TO INVOICE NUMBER ON YOUR REMITTANCE ADVICE

Market	Equipment ID	Location Name	Address	City	ST	Coast Center	Make/Model	Service/Task	Service Frequency	Period Charge	Taxable
ILCHIC	588A	Salon Blonde	1643 W North Ave	Chicago	IL		NCR 5305	ATM Second Line Maint.	Unlimited	\$1,121.00	
ILCHIC	564C	Gold Coast Fitness	1030 N Clark St	Chicago	IL		NCR 5670	ATM Second Line Maint.	Unlimited	\$1,450.00	
ILCHIC	564C	Gold Coast Fitness	1030 N Clark St	Chicago	IL		NCR 5670	Triple DES Maintenance	Unlimited	\$156.00	
		564C TOTALS								\$1,606.00	\$0.00
ILCHIC	49E4	Diamond Bank FSB	100 W North Ave	Chicago	IL		NCR 5886	ATM Second Line Maint.	Unlimited	\$2,216.00	
ILCHIC	435D	Northside Cafe	1635 N Damen Ave	Chicago	IL		NCR 5887	ATM Second Line Maint.	Unlimited	\$1,930.00	
ILNORT	2BEO	Branch	8820 Niles Center Rd	Skokie	IL		FUJITSU 7020	ATM Second Line Maint.	Unlimited	\$2,295.00	
ILNORT	2BEO	Branch	8820 Niles Center Rd	Skokie	IL		FUJITSU 7020	Triple DES Maintenance	Unlimited	\$156.00	
		2BEO TOTALS								\$2,451.00	\$0.00
FUEL		Fuel Surcharge								\$606.06	
IVC0115654 TOTALS		5 ATMs								\$9,930.06	\$0.00
										\$9,930.06	

Cole Dep DPR000039

From: Brett Sand
Sent: Thursday, April 17, 2008 10:39 AM
To: Dana Collier; Jagruti Patel
Cc: Diana Farlinger; Simone Y. Gatlin; Kimberly Cole
Subject: FW: 0306600 Apr 08 Flat invoice

Attachments: 200804-Flat Qtrly.xls

Brett D. Sand
Credit Analyst
Diamond Bank, FSB
100 W. North Avenue
Chicago, IL 60610
312.649.5006 tel
312.664.4289 fax
bsand@dbdiamond.com

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From: Michael Harper [<mailto:Michael.Harper@pendum.com>]
Sent: Thursday, April 17, 2008 10:26 AM
To: Brett Sand
Subject: 0306600 Apr 08 Flat invoice

Michael Harper
Pendum, Inc
Billing Rep
(303) 614-0513

Pendum, Inc.

(Formerly EFMARK-Premium-Bantek-Willson)

PO Box 712142

Cincinnati, OH 45271-2142

Phone: (303) 614-4729 Fax: (303) 614-4780

***** INVOICE *****

attn: Brett Sand

Diamond Bank

100 W North Ave

Chicago, IL 60610-1303

April 2008 Quarterly Service Invoice

PLEASE REFER TO INVOICE NUMBER ON YOUR REMITTANCE ADVICE

F1
Cole Dep DPR000041Cust ID: 0306600
Date: 4/9/2008
Inv Nbr: IVC0115649

Market	Equipment ID	Location Name	Address	City	ST	Cost Center	Make/Model	Service Task	Service Frequency	Period	Charge Type	Amount
ILWEST	588A	Salon Blonde	1643 W North Ave	Chicago	IL		NCR 5305	ATM Cash Service	2x Week			\$438.00
ILCHIC	588A	Salon Blonde	1643 W North Ave	Chicago	IL		NCR 5305	ATM First Line Maint.	Unlimited			\$375.00
ILWEST	588A	Salon Blonde	1643 W North Ave	Chicago	IL		NCR 5305	ATM Supply Service (Flat)	2x Week			\$75.00
		588A TOTALS										\$888.00
												\$0.00
ILWEST	584C	Gold Coast Fitness	1030 N Clark St	Chicago	IL		NCR 5670	ATM Cash Service	2x Week			\$438.00
ILCHIC	584C	Gold Coast Fitness	1030 N Clark St	Chicago	IL		NCR 5670	ATM First Line Maint.	Unlimited			\$375.00
ILWEST	584C	Gold Coast Fitness	1030 N Clark St	Chicago	IL		NCR 5670	ATM Supply Service (Flat)	Monthly			\$75.00
ILWEST	584C	Gold Coast Fitness	1030 N Clark St	Chicago	IL		NCR 5670	Security Access Fee	2x Week			\$6.00
		584C TOTALS										\$894.00
												\$0.56
ILCHIC	49E4	Diamond Bank FSB	100 W North Ave	Chicago	IL		NCR 5886	ATM First Line Maint.	Unlimited			\$375.00
ILWEST	43SD	Northside Cafe	1635 N Damen Ave	Chicago	IL		NCR 5887	ATM Cash Service	2x Week			\$438.00
ILCHIC	43SD	Northside Cafe	1635 N Damen Ave	Chicago	IL		NCR 5887	ATM First Line Maint.	Unlimited			\$375.00
ILWEST	43SD	Northside Cafe	1635 N Damen Ave	Chicago	IL		NCR 5887	ATM Supply Service (Flat)	Monthly			\$75.00
		43SD TOTALS										\$888.00
												\$0.00
ILNORT	2BEO	Branch	8820 Niles Center Rd	Skokie	IL		FUJITSU 7020	ATM First Line Maint.	Unlimited			\$375.00
FUEL		Fuel Surcharge										\$222.30
		5 ATMs										\$0.55
		IVC0115649 TOTALS										\$3,642.30
												\$0.55

6.50% Fuel Surcharge: \$222.30
 Subtotal: \$3,642.30
 6.25% IL Sales Tax: \$0.38
 1.25% ILCHIC01TS / CHICAGO, COOK IL Sales Tax: \$0.08
 0.75% ILCOOK.LS / (RTA) REGIONAL TRANS. AUTH.: C Sales Tax: \$0.05
 0.75% ILCOOK.NS / COOK IL Sales Tax: \$0.05
 Total Amount: \$3,842.86

From: Brett Sand
Sent: Thursday, April 17, 2008 10:17 AM
To: Dana Collier; Jagruti Patel
Cc: Diana Farlinger; Simone Y. Gatlin; Kimberly Cole
Subject: FW: 0306600 Apr 08 Flat invoice

Attachments: 200804-Flat Qtrly.xls

Brett D. Sand
Credit Analyst
Diamond Bank, FSB
100 W. North Avenue
Chicago, IL 60610
312.649.5006 tel
312.664.4289 fax
bsand@dbdiamond.com



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From: Michael Harper [<mailto:Michael.Harper@pendum.com>]
Sent: Thursday, April 17, 2008 10:16 AM
To: Brett Sand
Subject: 0306600 Apr 08 Flat Invoice

Michael Harper
Pendum, Inc
Billing Rep
(303) 614-0513

F1

*** INVOICE ***

Pendum, Inc.

(formerly EFMARK-Premium-Bantek-Wilson)

PO Box 712142

Cincinnati, OH 45271-2142

Phone: (303) 614-4729 Fax: (303) 614-4780

attn: Brett Sand

Diamond Bank

100 W North Ave

Chicago, IL 60610-1303

Cust ID: 0306600

Date: 4/9/2008

Inv Nbr: IVC0115649

April 2008 Quarterly Service Invoice

PLEASE REFER TO INVOICE NUMBER ON YOUR REMITTANCE ADVISE

Market	Equipment ID	Location Name	Address	City	St	Cost Center	Equipment Make/Model	Service Task	Service Frequency	Period Charge	Taxable
ILWEST	588A	Salon Blonde	1643 W North Ave	Chicago	IL		NCR 5305	ATM Cash Service	2x Week	\$438.00	
ILCHIC	588A	Salon Blonde	1643 W North Ave	Chicago	IL		NCR 5305	ATM First Line Maint.	Unlimited	\$375.00	
ILWEST	588A	Salon Blonde	1643 W North Ave	Chicago	IL		NCR 5305	ATM Supply Service (Flat)	2x Week	\$75.00	
		588A TOTALS								\$888.00	\$0.00
ILWEST	584C	Gold Coast Fitness	1030 N Clark St	Chicago	IL		NCR 5670	ATM Cash Service	2x Week	\$438.00	
ILCHIC	584C	Gold Coast Fitness	1030 N Clark St	Chicago	IL		NCR 5670	ATM First Line Maint.	Unlimited	\$375.00	
ILWEST	584C	Gold Coast Fitness	1030 N Clark St	Chicago	IL		NCR 5670	ATM Supply Service (Flat)	Monthly	\$75.00	
ILWEST	584C	Gold Coast Fitness	1030 N Clark St	Chicago	IL		NCR 5670	Security Access Fee	2x Week	\$6.00	\$0.56
		584C TOTALS								\$894.00	\$0.56
ILCHIC	49E4	Diamond Bank FSB	100 W North Ave	Chicago	IL		NCR 5888	ATM First Line Maint.	Unlimited	\$375.00	
ILWEST	435D	Northside Cafe	1635 N Damen Ave	Chicago	IL		NCR 5887	ATM Cash Service	2x Week	\$438.00	
ILCHIC	435D	Northside Cafe	1635 N Damen Ave	Chicago	IL		NCR 5887	ATM First Line Maint.	Unlimited	\$375.00	
ILWEST	435D	Northside Cafe	1635 N Damen Ave	Chicago	IL		NCR 5887	ATM Supply Service (Flat)	Monthly	\$75.00	
		435D TOTALS								\$888.00	\$0.00
ILNORT	28E0	Branch	8820 Niles Center Rd	Skokie	IL		FUJITSU 7020	ATM First Line Maint.	Unlimited	\$375.00	
FUEL		Fuel Surcharge								\$222.30	
IVC0115649 TOTALS		5-ATMs								\$3,642.30	\$0.56
		Subtotal:								\$3,642.30	\$0.56
		6.25% IL Sales Tax:								\$0.38	
		1.25% ILCHIC/ITS / CHICAGO, COOK IL Sales Tax:								\$0.08	
		0.75% ILCOOK..LS / (RTA) REGIONAL TRANS. AUTH.: C Sales Tax:								\$0.05	
		0.75% ILCOOK..NS / COOK IL Sales Tax:								\$0.05	
		Total Amount:								\$3,642.86	

Cole Dep DPR000043

From: Brett Sand
Sent: Wednesday, February 20, 2008 2:28 PM
To: Kimberly Cole; Andrea Shibe; Akiba Barberousse
Subject: FW: Issuer Direct *****

Importance: High

Attachments: Issuer Direct - System Requirements03 2006.pdf
Below is the link for the Fifth Third Direct (aka Issuer Direct) webinar.

If you need additional help, please let me know.

Thanks

Brett D. Sand
Special Projects Coordinator
Diamond Bank, FSB
100 W. North Avenue
Chicago, IL 60610
312.649.5006 tel
312.664.4289 fax
bsand@dbdiamond.com



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From: Oliver, Terri [<mailto:Terri.Oliver@53.com>]
Sent: Wednesday, August 16, 2006 8:48 AM
Subject: Issuer Direct *****

All ~

Have you been waiting for a card management tool that provides complete online card support with the convenience of user-friendly screens and enhanced features in a windows-based, point and click environment?

Good news!

Your wait is over because Fifth Third's Issuer Direct is here!

In the coming weeks, your financial institution will be set up to access Issuer Direct through your existing Fifth Third Direct connection. You can expect to receive new files to download when you log on to Fifth Third Direct and new options to appear under the ATM and Card tab. Please review the attached Issuer Direct System Requirements to make sure your system meets the minimum hardware and software needed for Issuer Direct.

We are pleased to offer you on-line, on-demand training for Issuer Direct through our eLearning program. Please navigate to <http://host1.centrax.com/53/issuerdirect/> to learn about Issuer Direct at your convenience. Menu EFT will continue to be available while you are learning to use Issuer Direct.

We are excited about the advanced functionality and innovative screens in Issuer Direct, and we are confident it will help your financial institution provide the very best card support for your customers. For more information about Issuer Direct, please refer to the attached Issuer Direct product summary.

All 5/3 Direct User Ids that currently have access to the HOST ACCESS system (i.e. MENU EFT) will now has access to Issuer Direct.

If you have any questions, please ask. Have a great day!

Terri A. Oliver,
Relationship Manager
Fifth Third Bank Processing Solutions
9400 South Cicero Avenue
Oak Lawn, Illinois 60453
mail drop G25151
t:708.857.3415
f:708.636.2193
terri.oliver@53.com

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From: Brett Sand
Sent: Tuesday, February 19, 2008 9:19 AM
To: Diana Farlinger; Simone Y. Gatlin
Cc: Kimberly Cole
Subject: FW: Pendum (formerly Bantek West, Inc. and EFMARK-Premium Armored) SMS+ Customer Conversion eAccess Update

Importance: High

Attachments: eAccess-CustomerContactTemplate.xls

Brett D. Sand
Special Projects Coordinator
Diamond Bank, FSB
100 W. North Avenue
Chicago, IL 60610
312.649.5006 tel
312.664.4289 fax
bsand@dbdiamond.com



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From: Mawiah Williams [<mailto:Mawiah.Williams@pendum.com>]
Sent: Monday, February 18, 2008 3:18 PM
To: Barbara Langkamp; Sandra Hudson
Cc: Mawiah Williams
Subject: Pendum (formerly Bantek West, Inc. and EFMARK-Premium Armored) SMS+ Customer Conversion eAccess Update
Importance: High

ATTENTION CUSTOMERS

You have been blind copied on this email.

Dear Customer,

Pendum, Inc (formerly Bantek West, Inc. and EFMARK-Premium Armored) continues to make enhancements to its operational infrastructure in an effort to bring you more consistent and responsive service.

One such change has been to standardize to one central platform for our call center and billing processes. You have been successfully converted to the new, more enhanced and robust, central database platform, **Service Management System Plus (SMS+)**. Thank you for your continued cooperation and patience during the conversion.

One of the great features of this new system is that it serves as the backbone of our newer, more enhanced and robust customer web interface. That interface is called the eAccess Customer Web Portal. Many of you are already utilizing this important tool and we welcome your feedback on it. Please send in any comments,

questions or concerns on it to SMSConversion@Pendum.com.

For many of you, this is not your first exposure to the eAccess Customer Web Portal; you may have been a user of our older eAccess site: <https://eaccess.efmark.com/eaccess/>.

This notice is to inform you of the deactivation of the old website as of **March 1, 2008 (3/1/2008)**. Once the site is deactivated you will not be able to access it for *any* reason at all. After that date you will *only* be able to access the *new* website at:

<https://eaccess.pendum.com/>

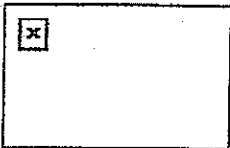
If you need access to historical information on service calls, please contact your Relationship Manager and they will be able to provide that information for you. If you are unaware of whom your Relationship Manager might be, please send an email to Barbara Langkamp at Barbara.Langkamp@pendum.com and Sandra Hudson at Sandra.Hudson@pendum.com; they will provide you with your Relationship Manager contact information.

You log-in information will not carry over to the new site. If you would like to use the new site for the first time, or add/delete any users if you are an existing user, please fill out and return the attached form to SMSConversion@Pendum.com. We will get you processed and up on the new site immediately. Additionally, training can be scheduled for you, on the new site, at any time; just let us know your preferences.

If you have any further questions or concerns, please feel free to contact us at SMSConversion@Pendum.com.

Thanking you once again for your continued cooperation and patronage.

Mawiah Williams
SMS+ Conversion Team
Pendum, Inc., "The Value of One!"
(630) 654-6757 phone
(630) 789-3216 fax
mawiah.williams@pendum.com
www.pendum.com





Pendum, Inc. SMS/eAccess Web Portal Security Authorization Form:

Customer Name:

Account Number:

Relationship Mgr:

(Enter each eAccess website users' name, phone, e-mail address and site authorization levels in the fields provided below)
Note: Default rights for any user who can login to the eAccess site will include the ability to view service call requests in a read-only manner.

[illegible]

CONFIDENTIAL DOCUMENT ■ FOR USE BY PENDUM, INC. EMPLOYEES AND CUSTOMERS ONLY

From: Brett Sand
Sent: Friday, February 01, 2008 5:53 PM
To: Jason Hendricksen; Shirley Davis
Cc: Kimberly Cole
Subject: Meeting
Jason and Shirley,

During your visit this month our C.O.O., Kimberly Cole, was unavailable to join our meeting. I would like to see if the two of you are able to schedule another meeting for sometime in February where you can meet with Kim as well as some other employees of the bank who may be taking a more hands-on approach to the bank's ATM Operations.

Please contact Kimberly Cole with information about when you may be able to meet with her. I will be transitioning to a new role in the bank, but will still be available for ATM support when needed.

If you have any questions, please let me know or you may contact Ms. Cole directly.

Thank you very much for all of your assistance during these past two years!
Brett

Brett D. Sand
Special Projects Coordinator
Diamond Bank, FSB
100 W. North Avenue
Chicago, IL 60610
312.649.5006 tel
312.523.5163 cell
312.664.4289 fax
bsand@dbdiamond.com



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From: Brett Sand
Sent: Tuesday, November 27, 2007 2:48 PM
To: Kimberly Cole
Subject: Fifth Third

Attachments: Jessica Malone; Terri A. Oliver
Kim,

I once again received voice mail from both contacts at Fifth Third. I have been asking that invoices from 2006 and 2007 be faxed or emailed to my attention, so hopefully they are working on this now.

In the mean time, I will manually look through all invoices in Accounting to at least provide some information to work with.

I apologize that this has not been completed quicker.

-Brett

(I have included the contact information from our reps, in case you have better luck. Jessica Malone is our current rep and Terri Oliver is our former rep who was recently promoted)

Brett D. Sand
Special Projects Coordinator
Diamond Bank, FSB
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From: Brett Sand

Sent: Friday, November 16, 2007 3:52 PM

To: Kimberly Cole

Subject: RE: ATM Fee Notices

From this attachment, Thomas Compliance was obviously wrong because it points out that the notification must be placed in both locations.

I contacted the District Court and the case was filed on November 12, 2007.

I had Cathy order stickers for all of our machines and I will personally place the stickers on all of our machines. I am still researching the Reg E penalties and will provide an update when I have more information.

Brett D. Sand
Special Projects Coordinator
Diamond Bank, FSB
100 W. North Avenue
Chicago, IL 60610
312.649.5006 tel
312.523.5163 cell
312.664.4289 fax
bsand@dbdiamond.com

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From: Kimberly Cole

Sent: Friday, November 16, 2007 3:09 AM

To: Brett Sand

Subject: FW: ATM Fee Notices

Brett,

What was the result of your discussion with Tom last night?

Thanks,
Kimberly Cole
Senior Vice President & Chief Operating Officer
Diamond Bank, FSB
100 W. North Avenue (at Clark)
Chicago, IL 60610
312.649.5021 (Work)
312.371.4056 (Mobile)
312.664.4289 (Fax)
kcole@dbdiamond.com
www.dbdiamond.com

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From: Brett Sand
Sent: Thursday, November 15, 2007 6:10 PM
To: Kimberly Cole
Cc: Jim Hubbard
Subject: FW: ATM Fee Notices

Brett D. Sand
Special Projects Coordinator
Diamond Bank, FSB
100 W. North Avenue
Chicago, IL 60610
312.649.5006 tel
312.523.5163 cell
312.664.4289 fax
bsand@dbdiamond.com

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From: Tom Thomas [mailto:tom_thomas@tcaregs.com]
Sent: Thursday, November 15, 2007 6:02 PM
To: Brett Sand
Subject: ATM Fee Notices

Brett, hear is the source I was referencing in our discussion. Call if need additional assistance. Tom

FED-REGS, BANK-COMPLIANCE, 12 CFR §205.16 Disclosures at automated teller machines.

12 CFR §205.16

Disclosures at automated teller machines.

(a) Definition. Automated teller machine operator means any person that operates an automated teller machine at which a consumer initiates an electronic fund transfer or a balance inquiry and that does not hold the account to or from which the transfer is made, or about which an inquiry is made.

(b) General. An automated teller machine operator that imposes a fee on a consumer for initiating an electronic fund transfer or a balance inquiry shall:

(1) Provide notice that a fee will be imposed for providing electronic fund transfer services or a balance inquiry; and

(2) Disclose the amount of the fee.

(c) *Notice requirement.* To meet the requirements of paragraph (b) of this section, an automated teller machine operator must comply with the following:

(1) On the machine. Post in a prominent and conspicuous location on or at the automated teller machine a notice that:

(i) A fee will be imposed for providing electronic fund transfer services or for a balance inquiry; or

(ii) A fee may be imposed for providing electronic fund transfer services or for a balance inquiry, but the notice in this paragraph (c)(1)(ii) may be substituted for the notice in paragraph (c)(1)(i) only if there are circumstances under which a fee will not be imposed for such services; and

(2) *Screen or paper notice.* Provide the notice required by paragraphs (b)(1) and (b)(2) of this section either by showing it on the screen of the automated teller machine or by providing it on paper, before the consumer is committed to paying a fee.

(d) *Temporary exemption.* Through December 31, 2004, the notice requirement in paragraph (c)(2) of this section does not apply to any automated teller machine that lacks the technical capability to provide such information.

(e) *Imposition of fee.* An automated teller machine operator may impose a fee on a consumer for initiating an electronic fund transfer or a balance inquiry only if

(1) The consumer is provided the notices required under paragraph (c) of this section, and

(2) The consumer elects to continue the transaction or inquiry after receiving such notices.

Official Staff Commentary: 12 CFR 205.16

Section 205.16—Disclosures at Automated Teller Machines 16(b) General Paragraph 16(b)(1)1. *Specific notices.* An ATM operator that imposes a fee for a specific type of transaction—such as for a cash withdrawal, but not for a balance inquiry, or for some cash withdrawals, but not for others (such as where the card was issued by a foreign bank or by a card issuer that has entered into a special contractual relationship with the ATM operator regarding surcharges)—may provide a notice on or at the ATM that a fee will be imposed or a notice that a fee may be imposed for providing EFT services or may specify the type of EFT for which a fee is imposed. If, however, a fee will be imposed in all instances, the notice must state that a fee will be imposed.

O. Tom Thomas

Managing Principal/CEO

TCA, Inc.

2846 N. Mildred Ave. Suite 150

Chicago, IL 60657

800-934-7347

773-525-8507 (Fax)

www.tcareqs.com

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From: Brett Sand
Sent: Friday, November 16, 2007 9:21 AM
To: Kimberly Cole
Subject: RE: ATM Fee Notices
Kim,

The attachment was the information I received from Tom at Thomas Compliance. On the phone he informed me that fee notification can be displayed either on the physical machine or via an electronic notification on the screen. We currently have notification on the terminal screen while a non-customer is performing a transaction.

I will research the Reg E information this morning, as well as order stickers and contact the district court.

-Brett

Brett D. Sand
Special Projects Coordinator
Diamond Bank, FSB
100 W. North Avenue
Chicago, IL 60610
312.649.5006 tel
312.523.5163 cell
312.664.4289 fax
bsand@dbdiamond.com

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From: Kimberly Cole
Sent: Friday, November 16, 2007 3:09 AM
To: Brett Sand
Subject: FW: ATM Fee Notices

Brett,

What was the result of your discussion with Tom last night?

Thanks,
Kimberly Cole
Senior Vice President & Chief Operating Officer
Diamond Bank, FSB
100 W. North Avenue (at Clark)
Chicago, IL 60610
312.649.5021 (Work)
312.371.4056 (Mobile)
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kcole@dbdiamond.com
www.dbdiamond.com

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From: Brett Sand
Sent: Thursday, November 15, 2007 6:10 PM
To: Kimberly Cole
Cc: Jim Hubbard
Subject: FW: ATM Fee Notices

Brett D. Sand
Special Projects Coordinator
Diamond Bank, FSB
100 W. North Avenue
Chicago, IL 60610
312.649.5006 tel
312.523.5163 cell
312.664.4289 fax
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From: Tom Thomas [mailto:tom_thomas@tcaregs.com]
Sent: Thursday, November 15, 2007 6:02 PM
To: Brett Sand
Subject: ATM Fee Notices

Brett, hear is the source I was referencing in our discussion. Call if need additional assistance. Tom

FED-REGS, BANK-COMPLIANCE, 12 CFR §205.16 Disclosures at automated teller machines.

12 CFR §205.16

Disclosures at automated teller machines.

(a) Definition. Automated teller machine operator means any person that operates an automated teller machine at which a consumer initiates an electronic fund transfer or a balance inquiry and that does not hold the account to or from which the transfer is made, or about which an inquiry is made.

(b) General. An automated teller machine operator that imposes a fee on a consumer for initiating an

electronic fund transfer or a balance inquiry shall:

(1) Provide notice that a fee will be imposed for providing electronic fund transfer services or a balance inquiry; and

(2) Disclose the amount of the fee.

(c) *Notice requirement.* To meet the requirements of paragraph (b) of this section, an automated teller machine operator must comply with the following:

(1) On the machine. Post in a prominent and conspicuous location on or at the automated teller machine a notice that:

(i) A fee will be imposed for providing electronic fund transfer services or for a balance inquiry; or

(ii) A fee may be imposed for providing electronic fund transfer services or for a balance inquiry, but the notice in this paragraph (c)(1)(ii) may be substituted for the notice in paragraph (c)(1)(i) only if there are circumstances under which a fee will not be imposed for such services; and

(2) *Screen or paper notice.* Provide the notice required by paragraphs (b)(1) and (b)(2) of this section either by showing it on the screen of the automated teller machine or by providing it on paper, before the consumer is committed to paying a fee.

(d) *Temporary exemption.* Through December 31, 2004, the notice requirement in paragraph (c)(2) of this section does not apply to any automated teller machine that lacks the technical capability to provide such information.

(e) *Imposition of fee.* An automated teller machine operator may impose a fee on a consumer for initiating an electronic fund transfer or a balance inquiry only if

(1) The consumer is provided the notices required under paragraph (c) of this section, and

(2) The consumer elects to continue the transaction or inquiry after receiving such notices.

Official Staff Commentary: 12 CFR 205.16

Section 205.16 — Disclosures at Automated Teller Machines 16(b) General Paragraph 16(b)(1)1. *Specific notices.* An ATM operator that imposes a fee for a specific type of transaction — such as for a cash withdrawal, but not for a balance inquiry, or for some cash withdrawals, but not for others (such as where the card was issued by a foreign bank or by a card issuer that has entered into a special contractual relationship with the ATM operator regarding surcharges) — may provide a notice on or at the ATM that a fee will be imposed or a notice that a fee may be imposed for providing EFT services or may specify the type of EFT for which a fee is imposed. If, however, a fee will be imposed in all instances, the notice must state that a fee will be imposed.

O. Tom Thomas

Managing Principal/CEO

TCA, Inc.

2846 N. Mildred Ave. Suite 150

Chicago, IL 60657

800-934-7347

773-525-8507 (Fax)

www.tcaregs.com

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From: Brett Sand
Sent: Thursday, November 15, 2007 6:10 PM
To: Kimberly Cole
Cc: Jim Hubbard
Subject: FW: ATM Fee Notices

Brett D. Sand
Special Projects Coordinator
Diamond Bank, FSB
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From: Tom Thomas [mailto:tom_thomas@tcaregs.com]
Sent: Thursday, November 15, 2007 6:02 PM
To: Brett Sand
Subject: ATM Fee Notices

Brett, hear is the source I was referencing in our discussion. Call if need additional assistance. Tom

FED-REGS, BANK-COMPLIANCE, 12 CFR §205.16 Disclosures at automated teller machines.

12 CFR §205.16

Disclosures at automated teller machines.

(a) Definition. Automated teller machine operator means any person that operates an automated teller machine at which a consumer initiates an electronic fund transfer or a balance inquiry and that does not hold the account to or from which the transfer is made, or about which an inquiry is made.

(b) General. An automated teller machine operator that imposes a fee on a consumer for initiating an electronic fund transfer or a balance inquiry shall:

(1) Provide notice that a fee will be imposed for providing electronic fund transfer services or a balance inquiry; and

(2) Disclose the amount of the fee.